

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

MEGALOMEDIA, INC., et al.

§

Plaintiffs,

§

v.

Civil Action No. 4:20-cv-01644

**PHILADELPHIA INDEMNITY
INSURANCE COMPANY**

§

Defendant.

§

**PHILADELPHIA'S UNOPPOSED MOTION TO RESET STATUS CONFERENCE &
JOINT STATUS REPORT**

Philadelphia files this unopposed Motion seeking a continuance of the Friday, March 7, 2025 status conference. Further, the Parties file this Joint Status Report regarding the status of this matter.

I. Motion to Reset March 7, 2025 Status Conference

This matter was tried to this Court in early 2023 and appealed to the Fifth Circuit. In September 2024, after the appeal was fully briefed, the Fifth Circuit remanded the case to this Court for the purpose of conducting jurisdictional discovery. (ECF No. 140.)

The Court held a status conference with the Parties on January 10, 2025 via telephone. At the conference, the Parties indicated that they were working together to develop a plan for moving forward in accordance with the Fifth Circuit's order. The Court set another status conference for March 7, 2025. (ECF No. 110.)

Philadelphia asks the Court to reset the status conference because counsel will be out of the state at the ABA Insurance Coverage Litigation Committee in Tucson, Arizona. Both Mr. Melendi and Mr. Rigney are speaking at the conference on Friday, March 7. Counsel has conferred

with counsel for Megalomedia, and Megalomedia is unopposed. The Parties have further conferred on dates of availability for a reset conference and request that the Court set the conference March 28, 2025 or later.

In the alternative, Philadelphia asks the Court for leave to appear by telephone.

II. Joint Status Report

Since the last status conference, Parties have discussed the status of the case and have come to terms on a proposed procedural vehicle for amending the record and resuming the appeal in the Fifth Circuit. This procedure was completed by the Parties in another recent case remanded by the Fifth Circuit for the same issue. *See Midcap Media Finance, LLP v. Pathway Data, Inc.*, No. 1:15-cv-60-SH, in the U.S. District Court for the Western District of Texas, Austin Division.

In short, the Parties propose that:

1. Plaintiffs file a Supplemental Complaint which contains allegations only regarding the parties, jurisdiction, and venue and attaches any necessary evidence or declarations;
2. The Court either holds an evidentiary hearing or the Parties stipulate to the jurisdictional facts alleged in the Supplemental Complaint; and
3. The Court issues Amended Findings of Fact that establish the citizenship of the LLC entities.

The Parties have discussed this procedure and believe that this is an efficient way to address the issue and resume the appeal.

WHEREFORE, Philadelphia prays that the Court grant this Motion and reset the status conference to a date after beginning March 28, 2025 or later that is convenient for the Court.

Further, the Parties pray that the Court accept this status report and grant the Parties any further relief to which they are entitled.

Respectfully submitted,

/s/ Stephen A. Melendi

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COUNSEL FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I hereby certify that on March 5, 2025, a true and correct copy of the foregoing was served in accordance with the Federal Rules of Civil Procedure on all counsel of record.

/s/ Stephen A. Melendi

Stephen A. Melendi